

SENATE BILL 3955
By Cohen

AN ACT to amend Tennessee Code Annotated, Section
55-50-311, relative to drivers possessing learner
permits or intermediate driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-311, is amended by deleting
subsection (n) in its entirety and by substituting instead the following language:

(n)

(1) No driver possessing a learner permit or intermediate driver license
pursuant to the provisions of this section shall operate a motor vehicle in motion
on any highway while using a mobile telephone.

(2) A violation of this subsection (n) is a Class C misdemeanor,
punishable only as follows:

(A) A fine of fifty dollars (\$50.00); and

(B) Such driver shall be ineligible to apply for an intermediate or
unrestricted driver license for an additional ninety (90) days from the time
such driver would otherwise be eligible to obtain such license type.

(3) It is an affirmative defense to prosecution under this subsection (n),
which must be proven by a preponderance of the evidence, that the driver's use
of a mobile telephone was necessitated by a bona fide emergency. The use of a
mobile telephone while operating a vehicle by any driver who is eighteen (18)
years of age or less to communicate with such person's custodial parent shall be
deemed a bona fide emergency and shall not be a violation of this subsection (n).

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.